



# Rail safety legislation

## Information for rail contractors

The *Rail Safety Act 2006* and Regulations came into effect on 1 August 2006.

### Who is a rail contractor?

A rail safety contractor is a person who provides services or goods associated with rail operations.

The types of activities undertaken by a rail contractor may include one or more of the following:

- designing, commissioning, constructing, manufacturing, supplying, installing or erecting of anything that may be used as rail infrastructure or rolling stock
- maintaining, repairing, modifying or decommissioning of anything that may be used as rail infrastructure or rolling stock
- supplying rail infrastructure operations or rolling stock operations (including the engaging of sub-contractors to carry out this activity).

### Rail contractors and accreditation

Rail contractors carrying out the activities described above **do not** require accreditation by Public Transport Safety Victoria (PTSV). They may, however, have an agreement with an accredited rail operator or they may be directly or indirectly engaged by an accredited rail operator.

In some circumstances, an accredited rail operator may **also** be a rail contractor.

### Safety duties for rail contractors

The Rail Safety Act provides for safety duties for rail contractors (as well as accredited rail operators and rail safety workers).

Rail contractors who provide a thing that may be used as rail infrastructure or rolling stock, and who know, or ought reasonably to know that the thing was to be used as rail infrastructure or rolling stock, must:

- ensure, so far as is reasonably practicable, that the thing is safe for its purpose, or that the thing is decommissioned safely
- carry out, or arrange the carrying out of testing and examination as necessary to comply with these duties

- ensure that adequate information is available about the thing, including its intended use, the results of testing or examination carried out, and any conditions to ensure it is safe (if used for its intended purpose).

A rail contractor who supplies rail infrastructure operations or rolling stock operations to a rail operator must, so far as is reasonably practicable, ensure the safety of those operations.

PTSV may conduct compliance inspections to ensure rail contractors comply with their safety duties. Rail contractors who fail to comply with safety duties may be issued with a penalty.

### Other things to consider

#### Safety management systems

A rail contractor who supplies rail infrastructure or rolling stock operations to an accredited rail operator must do so in accordance with that operator's safety management system (SMS).

#### Information, instruction, training and supervision

A rail contractor must provide information, instruction, training and supervision to rail safety workers and to other people on railway premises to enable them to ensure their safety.

### Obtaining a copy of the Rail Safety Act and Regulations

PTSV recommends all safety duty holders become familiar with the information contained in the Rail Safety Act and Regulations. Copies of the Act can be obtained:

- **online** - the Act and Regulations can be downloaded from the website of the Victorian Parliament (<http://www.dms.dpc.vic.gov.au>), and
- **in print** - the Act and Regulations can be purchased from the Information Victoria Bookshop at 356 Collins Street, Melbourne (telephone: 1300 366 356).

### Further information

Further information can be obtained by contacting PTSV.

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